

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 17-6567-MWF (KS) Date: November 8, 2017

Title Timothy Jeroge Johnson v. D. Asuncion

Present: The Honorable: Karen L. Stevenson, United States Magistrate Judge

Roxanne Horan-Walker
Deputy Clerk

N/A
Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE: DISMISSAL

On September 7, 2017, Petitioner, a California state prisoner proceeding *pro se*, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (the “Petition”). (Dkt. No. 1.) On September 22, 2017, noting that the Petition was neither signed nor verified, the Court ordered Petitioner to, *inter alia*, “file and serve a signed verification to the Petition” no later than October 23, 2017. (Dkt. No. 4.) More than two weeks have now passed since Petitioner’s deadline for filing the signed verification to the Petition and the Court has not received a signed verification of the Petition. Accordingly, Petitioner is **ORDERED TO SHOW CAUSE** no later than November 29, 2017, why this case should not be dismissed for Petitioner’s failure to prosecute and comply with the Court’s prior Order.

To discharge this Order and proceed with this action, Petitioner must file one of the following on or before the November 29, 2017:

- (1) a signed and dated document entitled “Verification Page for the Petition” in which Petitioner states “I declare under penalty of perjury that the statements made in the Petition for Writ of Habeas Corpus that I filed in the Central District of California on September 7, 2017 in case number CV 17-6567-MWF (KS) are true and correct”; or
- (2) a signed and dated First Amended Petition that supersedes the Petition filed on September 7, 2017.¹

¹ If Petitioner chooses to file a First Amended Petition, any claims not presented therein will be deemed abandoned – even if they were included in the original petition.

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If Petitioner no longer wishes to proceed with this case, he may file a document entitled “Notice of Dismissal” in which he requests the voluntary dismissal of this action with no further consequence.

Petitioner is expressly cautioned that his failure to timely respond to this order may result in the Court recommending dismissal of the action based on Local Rule 41-1 and Rule 41 of the Federal Rules of Civil Procedure.

The Clerk is directed to send Petitioner Form CV-69, the Central District’s form habeas petition for state prisoners.

IT IS SO ORDERED.

Initials of Preparer

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rhw
